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C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 000712

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SUBJECT: DISGRUNTLED SHI'A THREATEN TO BOYCOTT NEW PROVINCIAL COUNCIL

REF: BAGHDAD 629

Classified By: Diyala PRT Leader George White for reasons 1.4 (b) and (d).

This is a PRT Diyala reporting cable

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SUMMARY  
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¶1. (C) Representatives of four major Shi'a parties that fared poorly in the 2009 Diyala Provincial Elections have rejected the election results, alleging fraud and irregularities. They say they will boycott the new Provincial Government unless there is a new election under different conditions. The Shi'a politicians hinted that the situation in Diyala could turn violent. They intend to defy a request from Prime Minister (PM) Maliki to take their seats and participate in the new Provincial Council (PC). Some Shi'a electoral fraud claims may be valid, but others are inconsistent and implausible. While it is clear that these Shi'a leaders are uncomfortable having lost in the elections, it is unclear whether many other Shi'a share these leaders' sense of injustice. END SUMMARY.

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SHI'A PLAN TO BOYCOTT NEW DIYALA PC  
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¶2. (C) PRT Diyala met with representatives of Shi'a parties on March 11 to discuss concerns about the January 31 Provincial Elections and ways to avoid a potentially divisive political clash that could reignite sectarian and ethnic violence. Current PC Member Saja Qaddouri and Isam Shaker Mezher of the State of Law Coalition (led by Maliki's Da'wa party); Mohammed Mehdi of Fadhiba; Abbas Farhan of the Diyala National Alliance (Islamic Supreme Council of Iraq, (ISCI)--al Hakim's party); and Amed Hameed Khalaf of National Reform Movement (Jaafari's party) attended. The group also claimed to speak for the "Freedom Party" (Al Harra).

¶3. (C) The Shi'a party representatives consider the recent Diyala Provincial Elections fundamentally flawed. Shi'a parties will have only five seats on Diyala's new twenty-nine seat PC, a sharp decrease from the 20 seats (and governing majority) they held on the outgoing 41 seat PC. They are demanding that the local IHEC office, which they have been complaining is controlled by one party since before the election, be re-established and that the elections be redone in Diyala. At a March 5 press conference in Baghdad, the Shi'a parties announced that they would boycott the incoming Diyala Provincial Government, an assertion that they repeated to us. They acknowledged that PM Maliki has requested that they take their seats and participate in the new Provincial Council (PC), but at the same March 5 meeting, they decided to defy the PM's directive because "the public will not accept otherwise."

¶4. (C) They dismissed summarily the idea of working with the

three winning candidates from the Iraqi National List (INL--Allawi's secular party), which they described as a "Sunni party." (NOTE: Not only is Allawi Shi'a himself, INL's top candidate in Diyala is Shi'a, and its national leadership is largely Shi'a. END NOTE). Saja explained that there is an arrest warrant for the INL's number two candidate in Diyala and that the local leader of the party, Abdulla Hassan al-Jibouri, is under investigation by the integrity committee.

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FRAUD ALLEGATIONS  
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¶5. (C) The Shi'a leaders cited several examples of what they consider electoral fraud. Mohammed alleged that there was 130 percent turnout in Khanaqin--he added that even the UN knew it. (NOTE: IHEC reports one ballot box in Khanaqin had over 130 percent of its projected ballots, and about 20 additional boxes had suspiciously high turnouts, including Qadditional boxes had suspiciously high turnouts, including several of over 100 percent. The Diyala Government Election Official (GEO) previously told us that this was not necessarily proof of voter fraud--it was possible and legal for some IDPs and others to get permission to vote at some voting stations where they were not officially registered, causing some ballot boxes to have over 100 percent of their projected registered voter turnout. END NOTE). Mohammed also stated that there were instances in which only the names of heads of households, but not remaining family members, were found on voter lists. He complained that thousands of Shi'a votes were lost.

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¶6. (C) Isam said he had reliable reports that significant numbers of the Iraqi Army (IA) and Iraqi Police (IP) in Diyala voted twice--both in the "Special Needs Voting" day on January 28 and on January 31. He believed that reviewing signatures on voting lists could prove this. He also charged that most of the IA and IP voted for Sunni candidates. Saja reported that a committee from Baghdad had determined that 75 percent of the IP officer corps were Sunni. (NOTE: IA votes are returned to the military members' province of origin, and are not included in the Diyala vote totals. Coalition Forces (CF) estimate that IP units in Diyala are almost completely Shi'a. During Operation "Glad Tidings of Benevolence" in July-September 2008 and in several subsequent periods, dozens of the already small numbers of Sunni IP Police Officers in Diyala were either fired or forced to retire early. END NOTE).

¶7. (C) Isam then described a voter with ink on both hands, indicating that the individual had voted twice. He stated that a Sunni witness who arrived at a polling station late in the afternoon had found that someone had already signed next to his name in the voting list. Isam also mentioned that when he was visiting one polling station, an election monitor passed him a note alleging fraud.

¶8. (C) Mohammed charged that some ballot boxes were counted at a Sheikh's house rather than at the polling center. Saja contended that Diyala Assistant Governor Hafith (Sunni) and several other Sunni Arab leaders sent twenty busloads of (presumably Sunni) voters to vote at the Mussa bin Nasir polling center on the border between Shifta, Buhriz, and Tahreer. The IP Commander at Mussa bin Nasir turned the buses away. While unsuccessful, Saja thought this definite proof of Sunni efforts to commit vote fraud. (NOTE: In contrast to the Saja, Assistant Governor Hafith said several hundred Sunni voters had been told at another voting center that they were not registered there and had to go to Mussa bin Nasir voting center to vote. Hafith said he had arranged for them to go to Mussa Bin Nasir only to find out they were not allowed to vote there either. He charged that these voters had been illegally disenfranchised. END NOTE).

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OFFICIAL COMPLAINTS  
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¶9. (C) Isam reported that his party (Da'wa) had submitted seven specific complaints to IHEC regarding the elections; ISCI had also submitted four complaints; and a total of 44 parties had submitted complaints. Mohammed suggested the establishment of a neutral committee or the recruitment of a neutral organization such as the United Nations to review the complaints. Although they demand that the newly elected PC be declared illegitimate and a new election held, they indicated that they would accept (with numerous caveats) a UN ruling on their complaints. Mohammed Mehdi suggested Kirkuk as a possible model (e.g. a negotiated settlement). (NOTE: On February 11, an IHEC team with UN advisors decided not to go to Diyala to investigate claims of election fraud in Khanaqin further. END NOTE).

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POSSIBLE VIOLENT CONSEQUENCES  
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¶10. (C) Saja predicted dire potential consequences without a new election. She said the Shi'a are arming in response to injustice and the Sunni are arming because they feel strong. Saja expects the Director of the Major Crimes Unit to be replaced; Amed voiced concerns about the loyalty of both the IA and IP.

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COMMENT  
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¶11. (C) Shi'a claims of electoral fraud are debatable at Q11. (C) Shi'a claims of electoral fraud are debatable at best; some are obviously false. Sunni candidates have also alleged electoral fraud (reftel). The PRT's evidence so far indicates that all sides, i.e., Shi'a, Sunni, and Kurds, have some legitimate complaints, but that on the whole the election was fair and credible. This is the Shi'a parties' first experience of losing an election. They may be refusing to accept the result as sour grapes: all but one of the participants in the discussion were candidates who failed to win seats. By stating their intransigence strongly and publicly, the Shi'a are leaving themselves little room to negotiate and seem likely to decline any leading position in government which the victorious Sunni Tawafuq party might offer them (reftel).

¶12. (C) But Shi'a alienation with the political process

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could potentially reignite sectarian violence in Diyala. Further, the Shi'a minority's refusal to engage in the new PC could be a destabilizing influence in the province, particularly since it has strong ties to the Shi'a-led central government. END COMMENT.

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